

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL N. MILBY, CLERK OF COURT

In re ENRON CORPORATION SECURITIES,
DERIVATIVE & "ERISA" LITIGATION

MDL 1446
and Consolidated, Related
and Coordinated Cases

This Document Relates To:

MARK NEWBY, et al., Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

ENRON CORP., et al.,

Defendants.

Civil Action No. H-01-3624
and Consolidated, Related
and Coordinated Cases

**MOTION OF BARCLAYS (UNOPPOSED BY
LEAD PLAINTIFF) FOR CONFIDENTIALITY ORDER**

David H. Braff
Michael T. Tomaino, Jr.
Jeffrey T. Scott
Steven J. Purcell
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
(212) 558-4000
Facsimile: (212) 558-3588

Barry Abrams
Southern District I.D. No. 2138
State Bar No. 00822700
ABRAMS SCOTT & BICKLEY, L.L.P.
700 Louisiana, Suite 1800
Houston, Texas 77002
(713) 228-6601
Facsimile: (713) 228-6605

*Attorneys for Defendants Barclays
PLC, Barclays Bank PLC and
Barclays Capital Inc.*

January 16, 2004

1936

**MOTION OF BARCLAYS (UNOPPOSED BY
LEAD PLAINTIFF) FOR CONFIDENTIALITY ORDER**

Defendants Barclays PLC, Barclays Bank PLC and Barclays Capital Inc.

(collectively, “Barclays”) respectfully submit this Motion for Confidentiality Order with respect to the documents listed on Barclays’ “First Amended Confidential Documents Log” (attached hereto as Exhibit (“Exh.”) 1). Barclays has conferred with the Lead Plaintiff in *Newby*, and Lead Plaintiff has represented to Barclays that it does not oppose this Motion. In further support of this Motion, movants respectfully show the Court the following:

1. On September 18, 2003, the Court entered an Order on an agreed motion of the Lead Plaintiff and the Bank Defendants providing that any Bank Defendant wishing to file a confidentiality motion with respect to any documents or written discovery produced on or before October 1, 2003 must file such motion on or before October 15, 2003. (*See* 9/18/03 Order.) The September 18, 2003 Order also provides that for documents or written discovery produced after October 1, 2003, the Bank Defendants have 30 days from the date of any such production to file any motion seeking confidential treatment for such documents or written discovery. (*Id.*)

2. On October 17, 2003, the Court entered an Order on an agreed motion of the Lead Plaintiff and the Bank Defendants extending until November 3, 2003 the deadline for filing any motion seeking confidential treatment for documents or written discovery produced on or before October 1, 2003. (*See* 10/17/03 Order.)

3. On October 1, 2003, in response to Lead Plaintiff’s First Request for the Production of Documents, Barclays produced over 400,000 pages of documents to the document depository in accordance with the Court’s July 11, 2003 Scheduling Order. (*See* 7/11/03 Order.)

4. On November 3, 2003, Barclays filed its Motion (Unopposed by Lead Plaintiff) for Confidentiality Order seeking confidentiality protection for a limited number of documents that contained confidential personal information — personal telephone numbers and home addresses — regarding current or former Barclays’ employees. Those documents were listed on Barclays’ Confidential Documents Log, which was submitted to the Court together with Barclays’ unopposed motion and a supporting affidavit.

5. On November 13, 2003, the Court entered a Confidentiality Order (Instrument #1837 in *Newby*, attached hereto as Exh. 2) granting Barclays’ unopposed motion. (See 11/13/03 Order.)

6. On December 17, 2003, Barclays produced an additional 7,300 pages of documents to the document depository. Six documents (or eight pages) of the supplemental production contain the same type of confidential personal information that the Court has already granted confidentiality protection (*i.e.*, personal telephone numbers and home addresses of current or former Barclays’ employees). Those documents are listed on Barclays’ First Amended Confidential Documents Log under the heading “Documents from 12/17 Production.” (See Exh. 1.)

7. For the foregoing reasons and those set forth in Barclays’ unopposed motion for confidentiality order, dated November 3, 2003, Barclays respectfully requests that the Court enter the proposed Confidentiality Order (attached hereto as Exh. 3), which provides that the few pages of documents listed on Barclays’ First Amended Confidential Documents Log, and the information reflected therein, (a) shall be used by all parties in the *In re Enron Corporation Securities, Derivative and “ERISA” Litigation* (including all consolidated, related and coordinated cases) (collectively, the “Consolidated Actions”), solely in and for the purposes of

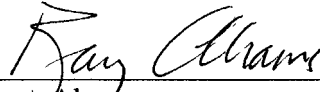
the Consolidated Actions and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those Actions or in preparation for or during their depositions or trial testimony, nonparty witnesses during their depositions or trial testimony, experts retained by parties in the Consolidated Actions and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery and information as provided in this paragraph, and (b) shall not be filed with any court without first obtaining the consent of Barclays.

8. Nothing in the proposed Confidentiality Order shall prevent any party to the Consolidated Actions (including but not limited to the Lead Plaintiff in *Newby*) from subsequently challenging Barclays' designation of the documents listed on its First Amended Confidential Documents Log as confidential (including but not limited to seeking appropriate relief from the Court).

9. Barclays has conferred with Lead Plaintiff in *Newby*, and Lead Plaintiff has represented to Barclays that it does not oppose this Motion.

Dated: January 16, 2004

Respectfully submitted,



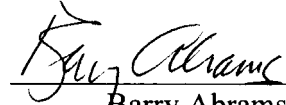
Barry Abrams
State Bar No. 00822700
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ABRAMS SCOTT & BICKLEY, LLP
Chase Tower, 600 Travis, Suite 6601
Houston, Texas 77002
Telephone: (713) 228-6601
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*Attorneys for Defendants Barclays PLC,
Barclays Bank PLC and Barclays Capital Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of Barclays
(Unopposed by Lead Plaintiff) for Confidentiality Order has been served on all counsel
of record via www.esl3624.com website posting.



Barry Abrams

FIRST AMENDED CONFIDENTIAL DOCUMENT LOG OF BARCLAYS PLC, BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC.

Bates Number/Range	Date	Doc. Type	Author(s)	Recipients(s)	CC(s)	Designation
BARC 000057178 - BARC 000057185	Undated	Corporate Document	Mayer Brown & Platt	Unknown		This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000108911 - BARC 000108912	1/21/1998	E-Mail	Clemmens, Robert	McKean, George	Pullman, Henry; Cavelli, Helen; Williams, Richard; Esposito, Sal; O'Neill, Chris	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000113500	9/18/1998	E-Mail	Boylan, Sean	Ritchie, Timothy	Hancock, Peter; Jefferson, Ina; Rajguru, Vijay; Pierce, Janet; Rody, Gavin; Williams, Richard	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000205353 - BARC 000205363	4/21/1999	E-Mail	Lafferty, Dennis	Rodia, B; Mayou, Helen; Jefferson, Ian		This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000219725 - BARC 000219734	2/28/1997	Corporate Document	Unknown	Unknown		This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000229427 - BARC 000229441	10/12/1999	Corporate Document	ENRON Corporation	Unknown		This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000233405 - BARC 000233410	1/14/1999	Corporate Document	Unknown	Unknown		This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee

FIRST AMENDED CONFIDENTIAL DOCUMENT LOG OF BARCLAYS PLC, BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC.

BARC 000242892 - BARC 000242893	Undated	Corporate Document	Jedi Investment	McKean, George; Calvelli, Helen; Sullivan, John; Ward, Sarah; Brown, William, Mordaunt, Christina	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000250753	Undated	Corporate Document	Unknown	Unknown	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000250866	Undated	Handwritten Notes	Unknown	Unknown	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000401822 - BARC 000401826	8/30/2000	E-Mail	Jindrch, Scott	Palmer, Richard; McLoughlin, Glenda	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000401926	Undated	Corporate Document	Barclays Capital Inc	Unknown	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000425715	Undated	Corporate Document	Unknown	Unknown	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000433960	11/25/2001	E-Mail	Woodhams, Martin	Leigh, Preston-Whyte; Smith, Brian; Firth, Richard	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee

FIRST AMENDED CONFIDENTIAL DOCUMENT LOG OF BARCLAYS PLC, BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC.

BARC 000433961	11/25/2001	E-Mail	Woodhams, Martin	Woodhams, Martin; Leigh, Preston-Whyte, Smith, Brian; Firth, Richard	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000385618	7/3/2001	E-Mail	Woodhams, Martin	Sutherland, Nikola	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000389912 Documents from 12/17 Production	10/26/2001	E-Mail	GCOMS	Bernegger, Douglas Rhee, Edward	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000441214-BARC 000441215	9/24/2001	E-Mail	Smith, Brian	Ghosh, Soma Woodhams, Martin	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000441247	9/21/2001	E-Mail	Woodhams, Martin	de Vitry, Benoit	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000441248	9/21/2001	E-Mail	Woodhams, Martin	Peggy and Richard Williams Smith, Brian	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000441249	9/21/2001	E-Mail	Woodhams, Martin	de Vitry, Benoit	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee

FIRST AMENDED CONFIDENTIAL DOCUMENT LOG OF BARCLAYS PLC, BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC.

BARC 000441250	9/21/2001	E-Mail	Woodhams, Martin	de Vitry, Benoit	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee
BARC 000441669-BARC 000441670	3/26/2001	E-mail	Bell, Nicholas	Nami, Joanna	This document contains personal information - personal phone numbers and/or addresses - regarding a Barclays employee

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Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORPORATION SECURITIES,
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This Document Relates To:

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Defendants.

MDL 1446
and Consolidated, Related
and Coordinated Cases

Civil Action No. H-01-3624
and Consolidated, Related
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CONFIDENTIALITY ORDER

Pending before the Court is the Motion for Confidentiality Order filed by Barclays PLC. Barclays Bank PLC and Barclays Capital Inc. (collectively, "Barclays"). The Motion requests a Confidentiality Order. Lead Plaintiff in *Newby* has represented to Barclays that it does not oppose the Motion. The Court having considered the Motion is of the opinion that it should be, and hereby is:

ORDERED that the Motion is granted.

IT IS FURTHER ORDERED that:

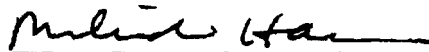
1. All documents listed on Barclays' Confidential Documents Log, and the information reflected therein, (a) shall be used by all parties in the *In re Enron Corporation Securities, Derivative and "ERISA" Litigation* (including all consolidated, related and

1837

coordinated cases) (collectively, the "Consolidated Actions"). solely in and for the purposes of the Consolidated Actions and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those actions or in preparation for or during their depositions or trial testimony, nonparty witnesses during their depositions or trial testimony, experts retained by parties in the Consolidated Actions and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery and information as provided in this paragraph, and (b) shall not be filed with any court without first obtaining the consent of Barclays.

2. Nothing in this Confidentiality Order shall prevent any party to the Consolidated Actions (including but not limited to the Lead Plaintiff in *Newby*) from subsequently challenging Barclays' designation of the documents listed on its Confidential Documents Log as confidential (including but not limited to seeking appropriate relief from the Court).

SIGNED at Houston, Texas, this ¹²12 day of November, 2003



MELINDA HARMON
UNITED STATES DISTRICT JUDGE